

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Applicants acknowledge with appreciation that the Examiner has indicated that claim 6 is allowed.

Upon entry of this amendment, claims 1, 3-6 will be pending. By this amendment, claims 1 and 3-5 have been amended, and claim 2 has been canceled.

**§103 Rejection of Claims 1-5**

In Section 1 of the Office Action, the Examiner has rejected claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over Ogasawara (U.S. Patent 6,577,861; hereinafter referred to as "Ogasawara") in view of Molne (U.S. Patent 5,943,611; hereinafter referred to as "Molne"). This rejection is respectfully traversed below.

Regarding claim 2, claim 2 has been canceled, thereby obviating the rejection thereof.

Regarding claim 1, as shown above, claim 1 has been amended and calls for:

1. (Currently Amended) An information processing apparatus for delivering a product to a delivery address specified from a first device, comprising:
  - search request means for connecting to a second device based on a telephone number entered from said first device and requesting a search of customer information;
  - storage means for storing customer information supplied from said second device;
  - search means for searching customer information stored in said storage means based on said telephone number input from said first device;
  - presenting means for presenting said search results supplied from said search means or said second device to said first device;

controller means for controlling said presenting means, said search request means, and said search means, wherein if said search results are obtained from said search means said controller means causes said presenting means to present said search results supplied from said search means to said first device, and if said customer search information results are not obtained from said search means said controller means causes said search request means to connect to said second device and request a search of customer information and said controller means causes said presenting means to present said search results supplied from said second device to said first device; and

order issuing means for issuing an order for said product to a third device based on said order information input from said first device.

Accordingly, in one aspect of claim 1, if the customer information corresponding to the telephone number provided by the first device is found in customer information stored in the storage means, the controller means causes the presenting means to present the obtained search results to the first device. If the customer information is not found in the storage means, the controller means causes the search request means to request that the second device conduct a search for customer information corresponding to the telephone number. The controller means then causes the presenting means to present to the first device the search results received from the second device. In this way, the information processing apparatus of claim 1 conditionally performs two searches of information in two different storage locations: first searching customer information stored in the storage means of the apparatus, and then requesting a search of customer information from a second device if the customer information is not found in the first search. By first searching stored customer information, the apparatus can advantageously reduce the number of search requests sent to the second device. (See, e.g., the Specification of the present application at pages 14-15.)

Claim 1 has been amended and the Examiner's arguments presented in rejecting claim 1 on pages 2 and 3 of the Office Action do not appear to apply to amended claim 1. It does not appear that these arguments address the two searches called for in amended claim 1, such as the conditional relationship of the searches.

Accordingly, it does not appear that the Examiner has established how the cited combination of Ogasawara and Molne, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how the cited combination of Ogasawara and Molne shows or suggests amended claim 1 as a whole. Claim 3 depends from claim 1, and it is also submitted that the Examiner has not established how the cited combination of Ogasawara and Molne shows or suggests claim 3, through its dependence on claim 1. Similar arguments apply to claims 4 and 5.

Based upon the foregoing, it is submitted that claim 1-5 are not anticipated by nor rendered obvious by the teachings of Ogasawara and Molne, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-5 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

**CONCLUSION**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1, and 3-6 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Hans R. Mahr, Reg. No. 46,138 for

William S. Frommer

Reg. No. 25,506

(212) 588-0800